

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION) MDL No. 1456
) Civil Action No. 01-12257-PBS
)
THIS DOCUMENT RELATES TO:) Hon. Patti B. Saris
)
United States of America, ex rel. Ven-a-Care) Chief Magistrate Judge Marianne B.
of the Florida Keys, Inc., v. Abbott) Bowler
Laboratories, Inc.,)
CIVIL ACTION NO. 06-CV-11337-PBS)

**UNITED STATES' MOTION TO COMPEL ABBOTT
TO PRODUCE ALL DISCOVERY REQUIRED BY CMOs 5 and 10**

The United States of America, through its undersigned counsel, respectfully submits this Motion to Compel Abbott to Produce All Discovery Required by CMOs 5 and 10. Dkt. Nos. 161, 756. The discovery sought includes documents and transcripts produced in (1) existing or previous average wholesale price (“AWP”) investigations and (2) other AWP legal proceedings, including this MDL proceeding. The discovery is relevant, or reasonably calculated to lead to the discovery of admissible evidence, and is not unduly burdensome for Abbott to produce. The reasons for the Motion are more fully stated in the accompanying Memorandum of Law.

Relator Ven-A-Care consents to and joins in this Motion.

Respectfully submitted,

For the United States of America,

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Dated: January 9, 2007

CERTIFICATION

The undersigned counsel certifies pursuant to LR 7.1(a)(2) that she and the Relator's counsel, James J. Breen, have conferred with counsel for the Defendant Abbott Laboratories, Inc. on the issues raised in this motion and have not been able to reach agreement.

Dated: January 9, 2007

/s/ Renée Brooker
Renée Brooker

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above **United States' Motion to Compel Abbott to Produce All Discovery Required by CMOs 5 and 10** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: January 9, 2007

/s/ Renée Brooker
Renée Brooker